

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,326		09/25/2001	Arie Cornelis Besemer	019219-013	9428
21839	7590	06/14/2006		EXAMINER	
		GERSOLL PC	ANDERSON, CATHARINE L		
(INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404				ART UNIT	PAPER NUMBER
ALEXAN	ALEXANDRIA, VA 22313-1404			3761	
				DATE MAILED: 06/14/2000	6

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	09/937,326	BESEMER ET AL.					
Office Action Summary	Examiner	Art Unit					
	C. Lynne Anderson	3761					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1) Responsive to communication(s) filed on 20 M	<u>arch 2006</u> .						
<i>;</i> —	·						
·	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) ⊠ Claim(s) 2-5 and 8-12 is/are pending in the app 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 2-5 and 8-10 is/are rejected. 7) ⊠ Claim(s) 11 and 12 is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.						
Application Papers							
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex	epted or b) objected to by the liden or b) objected to by the liden of the liden of by the liden of by the liden or by the lid	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).					
Priority under 35 U.S.C. § 119							
12) ⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ⊠ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	4) Interview Summary Paper No(s)/Mail Do 5) Notice of Informal P 6) Other:	(PTO-413) ate ratent Application (PTO-152)					

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 20 March 2006 have been fully considered but they are not persuasive.

In response to the applicant's argument that a polylactide is not a subdivision of the genus lactides, it is noted that polylactides are derived from the polymerization of lactides. Since the instant claim does not disclose the form the lactides must be in, the polylactide disclosed by Ahmed fulfills the claimed limitations.

In response to the applicant's argument that Ahmed does not disclose the polylactide being present in an amount of about 14%, it is noted that Ahmed discloses the thermoplastic component being present in the amount of 10% in column 6, lines 1-5.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-5 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmed et al. (6,534,572).

Ahmed discloses a superabsorbent material, as described in column 3, lines 30-40, with odor control properties, as described in column 10, lines 11-13, containing a

Application/Control Number: 09/937,326

Art Unit: 3761

lactide, as described in column 7, lines 55-56. The lactide is present in an amount of 10% with respect to the total weight, as disclosed in column 6, lines 1-5. The superabsorbent material is present in an amount of 70% with respect to the total weight, as disclosed in column 11, lines 25-27. The lactide is therefore present in an amount of about 14% with respect to the weight of the superabsorbent material. The lactide is homogenously mixed within the superabsorbent material, as disclosed in column 14, lines 1-16. The superabsorbent material containing the lactide is comprised in a diaper, as disclosed in column 1, lines 15-18.

Page 3

Allowable Subject Matter

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the claimed invention. Specifically, the closest prior art of record, U.S. Patent 6,534,572 to Ahmed, fails to disclose a superabsorbent material comprising a non-acidic, cyclic lactide in combination with the superabsorbent material. The superabsorbent composition of Ahmed comprises a polylactide, and during the polymerization process the ring of the lactide monomers is opened to form the polylactide. Therefore, Ahmed does not teach nor fairly suggest the claimed invention.

Conclusion

Page 4

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 09/937,326 Page 5

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*UN*3 cla June 9, 2006

TATYANA ZALUKAEVA SUPERVISORY PRIMARY EXAMINER